

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of)
)
 Kevin A. Tracy) Group Art Unit 3711
)
 Filed: 08/22/2003) Examiner: Mitra Aryanpour
)
 For: METHOD AND) Serial No. 10/646,582
 APPARATUS FOR)
 TRAINING ATHLETES)

DECLARATION

Honorable Commissioner of Patents & Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Charles L. Thoeming, says:

1. I am competent to make this declaration. The facts stated in this declaration are within my personal knowledge.
2. I am attorney of record for the Applicant.
3. I am custodian of the records for attorney docket number 50903 for the Law Offices of Charles L. Thoeming and Bielen, Lampe & Thoeming, P. A.
4. Attached to this declaration are three pages of records from the case file for this application under attorney docket number 50903 identified as follows:

Exhibit A - 2 pages - a true and correct copy of declaration signed by the Applicant,
Kevin A. Tracy, Sr., on 08/21/2003; and

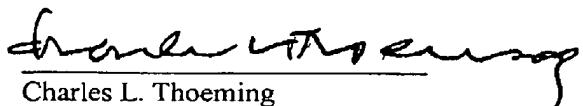
Exhibit B - 1 page - a true and correct copy of the USPTO receipt postcard received from
the Patent Office after this application was filed.

5. These three pages of records are kept by Bielen, Lampe & Thoeming, P.A., and the Law Offices of Charles L. Thoeming in the regular course of business. Also, it was the regular course of business of Bielen, Lampe & Thoeming, P. A., and the Law Offices of Charles L. Thoeming for Charles L. Thoeming, as Applicant's attorney of record, with

knowledge of the act, event, condition, opinion, or diagnoses, to make the records or to transmit information of the occurrence to be included in the records. The records attached to this declaration were made at, near, or reasonably soon after the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters. The attached records are the original records or exact duplicates of the original records.

6. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on October 12, 2004.


Charles L. Thoeming